

**UNITED STATES DISTRICT COURT
Western District of Texas
Austin Division**

MATTHEW WEHNER
Plaintiff

vs.

NATIONAL ENTERPRISE
SYSTEMS, INC.
Defendant.

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§ CASE NUMBER: 1:21-cv-00336

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§ **DEMAND FOR JURY TRIAL**

ORIGINAL COMPLAINT

1. Plaintiff Matthew Wehner brings this action for claims under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*, statutory damages, costs and a reasonable attorney's fee for the Defendant's violations of the FDCPA.

VENUE

2. Venue is proper in the United States District Court for the Western District of Texas, Austin Division, because the acts and transactions occurred in this district and because the Defendant transacts business in this district.

THE PARTIES

3. Plaintiff Matthew Wehner ("**Wehner**") is an individual who resides in Austin, Travis County, Texas.

4. Defendant National Enterprise Systems, Inc. (“**NES**”) may be served by serving its registered agent at the following address:

Corporation Service Company
211 E. 7th St., Ste. 620
Austin, TX 78701

FACTUAL ALLEGATIONS

5. NES describes itself as “a full-service debt collection agency[.]”¹

6. NES sent Wehner a letter dated April 2, 2021.

7. The April 2, 2021 letter sent by NES to Wehner was an attempt to collect an alleged debt.

8. The alleged debt related to a personal credit card.

9. Wehner defaulted on the credit card not later than February of 2017.

10. Wehner is a "consumer" as that term is defined by § 1692a(3) of the FDCPA.

11. NES is a “debt collector” as that term is defined by § 1692a(6) of the FDCPA.

12. The alleged debt is a “debt” as that term is defined by § 1692a(5) of the FDCPA.

¹ See <https://www.nes1.com/aboutnes/>

COUNT I. VIOLATIONS OF FDCPA § 1692e

13. Plaintiff re-alleges the above paragraphs as if set forth fully in this count.

14. Section 1692e of the FDCPA states:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

(2) The false representation of—

(A) the character, amount, or legal status of any debt;...

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt...

15. NES misrepresented the legal enforceability of the underlying debt in its April 2, 2021 letter.

REQUEST FOR RELIEF

16. Plaintiff requests that this Court award him:

a. Statutory damages;

b. Costs; and

c. A reasonable attorney's fee.

JURY DEMAND

Plaintiff demands trial by jury.

Respectfully Submitted,
By: s/Tyler Hickle
Plaintiff's Attorney

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